

LAFAYETTE COUNTY
IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI
FILED

AUG 05 2021

TONIA ADAMS

PLAINTIFF

JEFF BUSBY
CIRCUIT CLERK

BY: [Signature] D.C.

VS.

CIVIL ACTION NO: 21-318

WALMART, INC. AND JOHN DOE

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, TONIA ADAMS, ("Plaintiff"), and brings this claim against WALMART, INC. and JOHN DOE for personal injuries, and in support therefore would state as follows:

1. The Plaintiff is an adult resident citizen of Union County, Mississippi.
2. The Defendant, Walmart, Inc., is a Delaware Corporation with its principal place of business in Bentonville, Arkansas. Walmart has registered to do business in Mississippi and may be served with process through its registered agent: C T CORPORATION SYSTEM, 645 LAKELAND EAST DRIVE, Suite 101, FLOWOOD, MS 39232.
3. Upon information and belief, the Defendant, John Doe, is a franchisee who, along with Walmart, operates a "Davi Nails Salon" inside the Walmart location in Oxford, Lafayette County, Mississippi.
4. This Court has jurisdiction over this matter pursuant to the Mississippi Constitution and the laws of the State of Mississippi.
5. Venue is proper in this Court as the events giving rise to this claim occurred in Lafayette County, Mississippi.

EXHIBIT A

FACTS

6. The Defendants in this case jointly own and operate a nail salon inside the Walmart store in Oxford, Mississippi known as Davi Nails.

7. The Plaintiff went to the Walmart store in Oxford on March 21, 2021 to shop and get a manicure and a pedicure.

8. The Defendants' employee placed her in a massage chair. The employee tried to turn the chair on but could not get the chair to start. The employee then began to pound the chair with her hand in an attempt to get the chair to start. The employee then walked away.

9. As the Plaintiff was sitting in the chair, she began to feel a burning sensation on the back of her legs. Before she could get up, the heat from the chair caused the Plaintiff to suffer burns to the back of her legs.

10. The Plaintiff incurred medical bills and scarring as a result of these burns.

11. The Plaintiff also experienced pain and suffering as a result of these burns.

CLAIMS

12. The Defendants were negligent in placing the Plaintiff in a defective massage chair that they knew or should have known was defective, or by causing the chair to malfunction as a result of their employee pounding on the chair with her hand. As a result, the injuries sustained by the Plaintiff were entirely foreseeable. The Defendants breached their duty to the Plaintiff to provide a reasonably safe place for her to shop and to receive a manicure and a pedicure. The Defendants breached this duty by placing the Plaintiff in a defective chair or causing the chair to malfunction, which

ultimately caused burns to the back of her legs. As a result of the breach of this duty by Defendants, the Plaintiff has suffered damages.

13. The Plaintiff was an invitee on the Defendants' property. The Defendants owed the Plaintiff a duty to keep the premises in a reasonably safe condition and to warn the Plaintiff of a dangerous condition that was not readily apparent. The Defendants breached this duty when their employee either caused the chair to malfunction by banging on the chair, or by negligently or intentionally placing her in a defective chair that caused her to suffer burns to the back of her legs.

14. By knowingly placing the Plaintiff in a defective chair, or by recklessly causing the chair to malfunction, the negligent acts of the Defendants rise to the level of gross negligence which entitles the Plaintiff to punitive damages.

15. The Plaintiff also invokes the doctrine of *res ipsa loquitur*. The Defendants had control and management over the chair that caused the Plaintiff's injuries. These injuries are not the kind of injuries that would have occurred had the Defendants exercised proper care. And of course, the injuries were not a result of anything done or not done by the Plaintiff.

DAMAGES

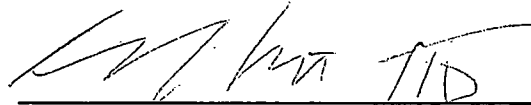
16. The Plaintiff requests compensatory and punitive damages in an amount to be determined by a jury. The Plaintiff also seeks attorney's fees and all costs of court as well as post-judgment interest.

THIS, the 5th day of August, 2021.

Respectfully submitted,

CLAYTON O'DONNELL, PLLC
P.O. DRAWER 676

OXFORD, MS 38655
TELEPHONE: (662) 234-0900

A handwritten signature in black ink, appearing to read "S. Ray Hill, III", written over a horizontal line.

S. RAY HILL, III, MSB #100088

rhill@claytonodonnell.com

Attorney for Plaintiff